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Filing date: **06/13/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91214960
Party	Plaintiff Cobra Golf Incorporated
Correspondence Address	ANNE E NAFFZIGER LEYDIG VOIT & MAYER LTD TWO PRUDENTIAL PLAZA, SUITE 4900 CHICAGO, IL 60601 UNITED STATES anaffziger@leydig.com
Submission	Motion to Compel Discovery
Filer's Name	Anne E. Naffziger
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Signature	/Anne E. Naffziger/
Date	06/13/2014
Attachments	Motion to Compel Initial Disclosures.pdf(23706 bytes) Motion to Compel Initial Disclosures - Exhibit A Decl of AEN.pdf(23742 bytes)

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

COBRA GOLF INCORPORATED)	
)	
Opposer,)	
)	
v.)	Opposition No. 91214960
)	Application No. 86072020
JONATHAN MYERS,)	
)	
Applicant.)	

OPPOSER’S MOTION TO COMPEL APPLICANT’S INITIAL DISCLOSURES

Pursuant to 37 C.F.R. § 2.120(e) and TBMP § 523 *et sec.*, Opposer Cobra Golf Incorporated (“Opposer”) hereby requests the Board order Applicant Jonathan Myers (“Applicant”) to serve Opposer with Applicant’s Initial Disclosures. The deadline to serve initial disclosures as set by the Board was May 29, 2014. As supported by Opposer’s attorney’s declaration in Exhibit A, Opposer contacted Applicant to discuss Applicant’s failure to serve initial disclosures, but Applicant has not responded. Having received no cooperation or response from Applicant, Opposer seeks the Board’s assistance in compelling Applicant to serve its initial disclosures.

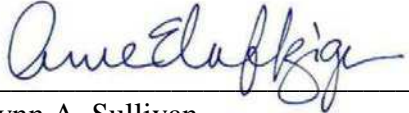
A history of the parties’ prior communications is included within Opposer’s Motion to Compel Applicant’s Appearance at a Discovery Conference, dated May 29, 2014 (Docket # 5), and confirmed in the Declaration submitted as Exhibit A. Since that time, Opposer has continued to receive no communication from Applicant. On May 29, 2014, Opposer timely served its Initial Disclosures upon Applicant. However, Opposer has not received Applicant’s Initial Disclosures. On June 10, 2014, Opposer’s attorney contacted Applicant in an attempt to remind Applicant and seek Applicant’s Initial Disclosures, but Opposer has received no

response. Given the parties' history, Opposer does not anticipate any cooperation or response from Applicant and is thus forced to file the present motion. (*See* Exhibit A.)

Applicant has not met its obligations under the Board's scheduling order to serve initial disclosures. *See, e.g., Influence v. Zuker*, 88 U.S.P.Q.2d 1859, 1861 (T.T.A.B. 2008); *Kairos Institute of Sound Healing LLC v. Doolittle Gardens LLC*, 88 U.S.P.Q.2d 1541, 1543-44 (T.T.A.B. 2008). Accordingly, Applicant hereby requests the Board compel Applicant to serve its initial disclosures within a reasonable timeframe, and to reset the dates of this opposition accordingly pursuant to 37 C.F.R. § 2.120(e) and TBMP § 523.

Respectfully submitted,

Date: June 13, 2014

By: 
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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that the attached Opposer's Motion to Compel Applicant's Appearance at a Discovery Conference was filed electronically with the Trademark Trial and Appeal Board on June 13, 2014.

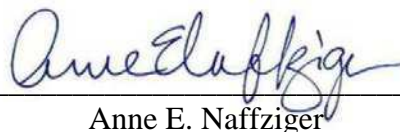


Anne E. Naffziger

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Opposer's Motion to Compel Applicant's Appearance at a Discovery Conference was served by First Class Mail to the following address on June 13, 2014:

Jonathan Myers
5820 Hersholt Ave.
Lakewood, CA 90712



Anne E. Naffziger

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

COBRA GOLF INCORPORATED)	
)	
Opposer,)	
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)	Application No. 86072020
JONATHAN MYERS,)	
)	
Applicant.)	

EXHIBIT A – STATEMENT OF ANNE E. NAFFZIGER

Anne E. Naffziger, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful, false statements may jeopardize the validity of the application or any resulting registration, declares that the following statements are true to the best of her knowledge and belief.

1. I am Anne E. Naffziger, attorney for Cobra Golf Incorporated, Opposer in this proceeding.
2. The deadline to serve initial disclosures was May 29, 2014.
3. On May 29, 2014, I served on Applicant a copy of Opposer's Initial Disclosures.
4. On June 10, 2014, having received no copy of Applicant's Initial Disclosures, I followed up with Applicant via email requesting a copy be sent promptly.
5. I have received no response to my email to date.
6. As described in Opposer's May 29, 2014, Motion to Compel Applicant's Appearance at a Discovery Conference, Opposer has not received any response from Applicant in some time.
7. By way of further detail, on January 17, 2014, Opposer first advised Applicant of its concerns with respect to Serial No. 86072020.

8. On February 18, 2014, shortly after the application published, Opposer was forced to file the present opposition as it had not received any response to its January 17, 2014 letter.

Thereafter, Applicant agreed to discuss amicable settlement.

9. On March 5, 2014, written terms were sent to Applicant after multiple phone conversations between Applicant and Opposer's counsel.

10. On April 18, 2014, Opposer's latest settlement terms were sent to Applicant, noting that the discovery conference deadline was coming and that if settlement could not be reached, the parties would need to set a time for the conference.

11. On April 25, 2014, and despite reminders by phone, Opposer followed up in writing after having received no response from Applicant.

12. On April 29, 2014, the deadline for the discovery conference passed.

13. Thus, despite multiple written and telephone reminders, Opposer has received no response from Applicant with regard to either settlement or a discovery conference since March 9, 2014.

14. Given Applicant's history of not responding to inquiries as described in above, I do not anticipate any cooperation or response from Applicant.

Dated June 13, 2014



Anne E. Naffziger